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UNITED STATES DEPARTMENT OF AGRICULTURE

GREAT PLAINS CONSERVATION PROGRAM

TABLE OF CONTENTS

| | <u>PAGE</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| SEC. I. PURPOSE OF PROGRAM | 1 |
| SEC. II. THE LAW (70 Stat. 1115-1117) | 2 |
| SEC. III. BASIC POLICIES, AS AMENDED | 7 |
| SEC. IV. REGULATIONS | 12 |
| SEC. 601.1 Definitions | 12 |
| SEC. 601.2 Objective and purpose | 16 |
| SEC. 601.3 Administration | 16 |
| SEC. 601.4 Land eligible for the program . | 17 |
| SEC. 601.5 Program applicability | 17 |
| SEC. 601.6 Program eligibility | 17 |
| SEC. 601.7 Plan of operations | 17 |
| SEC. 601.8 Contracts | 18 |
| SEC. 601.9 Conservation practice main- tenance | 19 |
| SEC. 601.10 Selection of conservation practices | 19 |
| SEC. 601.11 Eligible conservation practices | 19 |
| SEC. 601.12 Cost-share payments | 26 |
| SEC. 601.13 Conservation materials or services | 27 |
| SEC. 601.14 Fair prices for conservation materials or services acquired by a producer signatory to a contract by means of an authorization | 28 |
| SEC. 601.15 Materials and services - Defective - Inspection and analysis | 29 |
| SEC. 601.16 Manner and time of cost-share payments | 30 |
| SEC. 601.17 Division of cost-share payments between producers signatory to a contract | 30 |
| SEC. 601.18 Reconstitution of operating units | 31 |
| SEC. 601.19 Identifiable units carried out with State or Federal aid ... | 31 |
| SEC. 601.20 Successors-in-interest | 31 |

| | <u>PAGE</u> |
|------------------------------------------------------------------------------------------------------------|-------------|
| SEC. IV. REGULATIONS (Continued) | |
| SEC. 601.21 Pooling arrangements | 32 |
| SEC. 601.22 Practices that tend to defeat the purposes of a contract . | 32 |
| SEC. 601.23 Appeals | 33 |
| SEC. 601.24 Contract violations | 35 |
| SEC. 601.25 Contract violations procedure .. | 35 |
| SEC. 601.26 Assignments | 40 |
| SEC. 601.27 Cost-share payments not sub- ject to claims | 40 |
| SEC. 601.28 Filing of false claims | 40 |
| SEC. 601.29 Set-offs | 40 |
| SEC. 601.30 Compliance with regulatory measures | 40 |
| SEC. 601.31 Misuse of authorizations | 41 |
| SEC. 601.32 Access to operating unit and program records | 41 |
| SEC. 601.33 State Conservationist approval of designated county program determinations | 41 |
| SEC. 601.34 Waivers | 41 |
| SEC. 601.35 Effect on acreage allotment and marketing quota programs . | 41 |
| SEC. V. OPERATING PROCEDURES | 43 |
| 1. Agency Responsibilities | 43 |
| A. Great Plains Inter-agency Group .. | 43 |
| B. The State Program Committee | 43 |
| C. The County Program Committee | 44 |
| 2. Designation of Counties | 45 |
| A. Physical Factors | 45 |
| B. Interest of Local People in Estab- lishing a Long-Range Soil and Water Conservation Program | 45 |
| 3. Eligibility for Program Participation .. | 46 |
| 4. Applying for Assistance | 46 |
| 5. Developing the Plan of Operations | 46 |
| 6. Technical Assistance | 47 |
| 7. Carrying out the Plans of Operations ... | 48 |
| 8. Certification of Performance | 49 |
| 9. Cost-share Rates | 50 |
| 10. Cost-share Payments | 50 |
| 11. Completion and Maintenance of Plan of Operations | 51 |

949174

PAGE

SEC. V. OPERATING PROCEDURES (Continued)

| | |
|-------------------------------------------------------------------------|----|
| 12. Practices Eligible for Cost-sharing | 52 |
| 13. Fitting Practices to Conditions within States and Counties | 52 |
| 14. Contracts | 53 |
| A. Basis for Contracts | 53 |
| B. Period of Contracts | 54 |
| C. Execution of Contracts | 54 |
| D. Modification of Contracts | 55 |
| (1) Loss or Acquisition of Land | 55 |
| (2) Change in Time Schedule ... | 56 |
| E. Violation of Contracts | 56 |
| F. Transfer of Contract | 56 |
| G. Termination of Contract | 56 |
| (1) By Mutual Consent | 56 |
| (2) For Cause | 56 |
| (3) By Expiration | 57 |
| H. Assignments | 57 |
| 15. Program Limitations | 57 |
| 16. Fund Responsibilities | 57 |

SEC. VI. FORMS

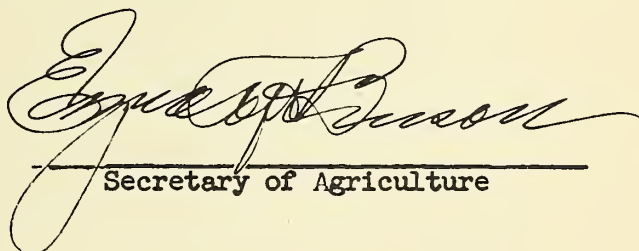
| | |
|----------------------------------------------------------------------------------------------------------------------------|-------|
| GP Form 1 - Application for Participation .. | 59 |
| GP Form 2 - Contract | 60 |
| GP Form 3 - Time Schedule of Land Use and Treatment | 64 |
| GP Form 4 - Application for Payment of Federal Cost-shares Under Great Plains Conservation Program Contract | 65 |
| GP Form 5 - Annual Contract Status Report .. | 66 |
| GP Form 6 - Waiver or Modification of Contract | 67-68 |

FOREWORD

The Great Plains Area has long experienced problems peculiar to its environment. To provide a means of minimizing the hazards of farming and ranching caused by the erratic climate of the area, a program of conservation for the Great Plains was authorized by Public Law 1021, 84th Congress.

The objective of the program is to assist farmers and ranchers in developing and carrying out, on a voluntary basis, a plan of operations that will bring about greater stability through cropping and grazing systems and land use changes and the application of enduring soil and water conservation practices. To carry out this program, the law provides for assurance of continuing cost-share assistance to farmers and ranchers who present a satisfactory plan for their entire unit, including a time schedule for establishing cropping systems, making land use changes and for applying and establishing conservation practices. All existing programs that contribute to conservation should be used in attaining program objectives.

This program is based on the concept of needed cropping and grazing systems and land use changes plus soil and water conservation practices in proper combinations to solve conservation problems on the entire farm or ranch unit. It provides for teamwork from all who can help, and it seeks the maximum expression of local leadership. I believe this program can make a very important contribution towards attaining long-range agricultural stability in the Great Plains region.



Secretary of Agriculture

August 21, 1957

Date

SEC. I. PURPOSE OF PROGRAM

The Great Plains Conservation Program is a long-range program. Its purpose is to assist farmers and ranchers in carrying out approved plans of operations for the mitigation of climatic hazards and the protection of their land from erosion and deterioration by natural causes. Achievement of this purpose will bring about greater stability for the agriculture of the Area.

To participate in the program, a farmer or rancher shall furnish a plan of operations, satisfactory to the Secretary, which incorporates needed cropping systems and land use changes along with needed soil and water conservation practices in proper combinations. The plan of operations shall include a schedule for carrying out these measures [within a period of not less than 3 years and not to exceed 10 years.]

The Secretary of Agriculture is authorized to enter into a contract with such a farmer or rancher to assist him in carrying out his plan of operations. The contract will assure the farmer or rancher of needed cost-sharing assistance in carrying out his individual plan as rapidly as conditions permit.

SEC. II. THE LAW (70 Stat. 1115-1117)

Public Law 1021 - 84th Congress

Chapter 1030 - 2d Session

H. R. 11833

AN ACT

To amend the Soil Conservation and Domestic Allotment Act and the Agricultural Adjustment Act of 1938 to provide for a Great Plains conservation program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended (a) by inserting "(a)" after the period following "Sec. 16," and (b) by adding the following subsection:

"(b) Notwithstanding any other provision of law--

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with producers in the Great Plains area determined by him to have control for the contract period of the farms or ranches covered thereby. Such contracts shall be designed to assist farm and ranch operators to make, in orderly progression over a period of years, changes in their cropping systems and land uses which are needed to conserve the soil and water resources of their farms and ranches and to install the soil and water conservation measures needed under such changed systems and uses. Such contracts shall be in effect during the period ending not later than December 31, 1971, on farms and ranches in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil

Soil Conservation and Domestic Allotment Act, amendments, 49 Stat. 1151. 16 USC 590p. Great Plains conservation program.

types, terrain, and climatic and other factors. The producer shall furnish to the Secretary a plan of farming operations which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which the farm is located, and which outlines a schedule of proposed changes in cropping systems and land use and of the conservation measures which are to be carried out on the farm or ranch during the contract period to protect the farm or ranch from erosion and deterioration by natural causes. Under the contract the producer shall agree--

"(i) to effectuate the plan for his farm or ranch substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the farm if the Secretary determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the producer's violation does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm or ranch during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of the farm or ranch agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

✓ In return for such agreement by the producer the Secretary shall agree to share the cost of carrying out those conservation practices set forth in the contract for which he determines that cost-sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation measures under the contract.

Cost-sharing.

"(2) the Secretary may terminate any contract with a producer by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof;

Termination of contract.

✓ "(3) insofar as the acreage of cropland on any farm enter into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the farm shall not be decreased during the period of any contract entered into under this subsection by reason of any action taken for the purpose of carrying out such contract;

52 Stat. 31.
7 USC 1281.

"(4) the acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out the contract entered into under the program shall be considered acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended;

"(5) in applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340 (6)), relating to the reduction of storage amount of wheat, any acreage diverted from the production of wheat under the program carried out under this subsection shall be regarded as wheat acreage; 55 Stat. 203.

"(6) the Secretary shall utilize the technical services of agencies of the Department of Agriculture in determining the scope and provisions of any plan and the acceptability of the plan for effectuating the purposes of the program. In addition the Secretary shall take into consideration programs of State and local agencies, including soil conservation districts, having for their purposes the objectives of maximum soil and water conservation;

"(7) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this subsection: Provided, That the total cost of the program (excluding administrative costs) shall not exceed \$150,000,000, and for any program year payments shall not exceed \$25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8 (e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act." Appropriations 16 USC 590h, 590o.

Sec. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended, effective beginning with the 1957 crop of wheat, by adding a new subsection as follows:

7 USC 1334.

"(g) If the county committee determines that any producer is prevented from seeding wheat for harvest as grain in his usual planting season because of unfavorable weather conditions, and the operator of the farm notifies the county committee not later than December 1 in any area where only winter wheat is grown, or June 1 in the spring wheat area (including an area where both spring and winter wheat are grown), that he does not intend to seed his full wheat allotment for the crop year because of the unfavorable weather conditions, the entire farm wheat allotment for such year shall be regarded as wheat acreage for the purposes of establishing future State, county, and farm acreage allotments:

Provided, That if any producer on a farm obtains a reduction in the storage amount of any previous crop of wheat by reason of underplanting the farm wheat acreage allotment pursuant to paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340 (6)), or by reason of producing less than the normal production of the farm wheat acreage allotment pursuant to section 326 (b) of this Act, this provision may not be made applicable to such farm with respect to the crop of wheat for which the farm acreage allotment was established."

55 Stat. 203.

7 USC 1326.

APPROVED AUGUST 7, 1956.

SEC. III. BASIC POLICIES, AS AMENDED

THE PROGRAM

1. The Great Plains Conservation Program shall emphasize the land use changes and wind erosion control and moisture conservation and management practices which, in combination by conservation treatment units, will provide, over a period of years, the most enduring conservation benefits for purpose of supporting stable agricultural enterprises.
2. The program is fully voluntary on the part of the individual producer. Its voluntary character shall be continuously emphasized.
3. A plan of farming or ranching operations including a time schedule by conservation treatment units, shall be a prerequisite to participation in the program.
4. The program is in addition to other Department of Agriculture programs in the area. Any phase of other programs that contribute to conservation objectives of individual farms and ranches may be used by the producer to effectuate his soil and water conservation plan of operations.
5. The producer will be responsible for developing and carrying out his farm or ranch plan of operations. The Department of Agriculture will provide available technical assistance to any producer requesting it. The producer will be encouraged to use all other available sources of assistance.
6. The Department of Agriculture shall offer to producers long-term contracts under which the Secretary will make commitments to share with the producer the cost of establishing the combination of conservation practices provided for in his farm or ranch plan of operations. These cost-sharing contracts shall not exceed 10 years and in no event shall end later than December 31, 1971.
7. The producer will be encouraged to carry out his plan of operations in the shortest period possible consistent with climatic conditions and his resources.
8. Rental type payments will not be made under this program. ✓

- ✓ 9. The producer may use for grazing or other purposes the land established in vegetative cover under the contract consistent with good management.
- 10. The program shall be carried out in close cooperation with interested Federal, State, and local governmental units and organizations and other groups and individuals. It shall be made to contribute in all ways possible to achieving the objectives of the overall Great Plains Program recommended by the President to Congress, January 11, 1956 (USDA Misc. Pub. 709).
- 11. Local units of government, such as soil conservation districts, shall be encouraged to assume leadership in facilitating the program and to give particular attention to encouraging the farmers and ranchers to attack their mutual problems in unison.

ADMINISTRATION

- 12. The Secretary of Agriculture will establish regulations for the operations of the program.
- 13. The Soil Conservation Service shall be responsible for the administration of the program.
- 14. Under the leadership of the Soil Conservation Service the following agencies shall assist in developing and reviewing policies and general operating procedures for the program: Agricultural Conservation Program Service, Agricultural Marketing Service, Agricultural Research Service, Commodity Stabilization Service, Farmers Home Administration, Federal Crop Insurance Corporation, Federal Extension Service, Forest Service, and Office of Information. Where these agencies have representatives at the State and county level, they shall constitute State and County Program Committees under the chairmanship of the Soil Conservation Service.
- 15. The State Program Committee will assist in developing and reviewing policies and general operating procedures best suited to the State. The State Director of the Agricultural Extension Service, the Director of the State Agricultural Experiment Station, and a representative of the State Soil Conservation Committee (Board or Commission) shall be invited to participate. Representatives of other interested agencies or groups working in the State may be invited to participate as determined by the State Program Committee.

16. The County Program Committee will assist in developing and reviewing policies and general operating procedures best suited to the county. The County Agricultural Extension Agent and the governing body of any soil conservation districts in the county shall be invited to participate. Other local, State and Federal agencies operating in the county may be invited to participate as determined by the County Program Committee.
17. State Directors of Extension will be requested to provide leadership in programs of public information about this program in the designated counties; and to the extent possible, provide assistance (particularly economic, crop and livestock management information) to producers which will be useful to them in developing their plans of operations.
18. Soil Conservation Service personnel shall assist in informing producers about the program. They shall make available to producers technical assistance in preparing and carrying out plans of operations. A designated representative of the Soil Conservation Service shall serve as the contracting officer for the Secretary and shall execute contracts with producers subject to the availability of funds therefor.
19. The County Agricultural Stabilization and Conservation Committee shall assist in explaining the program to producers and in relating it to other Department of Agriculture programs administered by it in the county.
20. The County Supervisor of the Farmers Home Administration shall assist in informing producers about the program and shall, where appropriate, assist eligible producers with soil and water conservation, water facilities, and other loans needed to effectuate the program.
21. County representatives of Department of Agriculture agencies will assist producers desiring to participate in the program in preparing applications, and will receive applications for transmittal to the local office of the Soil Conservation Service.
22. The Agricultural Conservation Program Service shall provide leadership in development of a national list of soil and water conservation practices for the Great Plains Area for cost-sharing purposes.

23. Funds for administrative expenses will be allotted to the various agencies of the Department participating in the program as approved by the Secretary. The allotment to the Soil Conservation Service will also include funds for technical services and cost-sharing.
24. The program in designated counties shall be coordinated with the work plan of soil conservation districts operating in such counties.
25. The continuing cooperation and advice of the Great Plains Agricultural Council will be sought in the operation of the program.

PROGRAM APPLICABILITY

26. The counties eligible to participate in the program shall be those within the Great Plains Area of the ten Great Plains States.
27. The Secretary will designate counties in which the program will be carried out. These designations will be based upon recommendations of the State Program Committee.

THE PLAN OF OPERATIONS

28. A plan of operations for a farm or ranch shall cover all land owned or controlled for the period of the contract by the producer which is considered to be a single operating unit.
29. The producer shall be provided with soil and range site survey information with necessary interpretations to use as a basis for preparing a plan of operations.
30. The plan of operations shall provide for the installation of a combination of land use changes, management and conservation practices by conservation treatment units needed to solve the conservation problems of the farm or ranch and provide the maximum of farming or ranching stability.
31. The national list of soil and water conservation practices shall consist of practices particularly suited to the Great Plains Area which will be eligible for cost-sharing when applied in combinations set forth in plans of operations.

CONTRACTS AND COST-SHARING

32. The contract period shall be determined by the period of years set forth in the time schedule in the producer's plan of operations.
33. The maximum cost-share rate shall not exceed 80 percent of the average cost of installing each eligible conservation practice planned for the conservation treatment unit.
34. Federal cost-shares shall be paid to the producer after he has carried out an identifiable unit of his plan of operations.
35. Contracts shall be amended, modified, cancelled, or terminated under conditions set forth in program regulations.

APPROVED:

/s/ E. L. Peterson
Asst. Secretary of Agriculture

April 19, 1957
Date

APPROVED AS AMENDED:

/s/ E. L. Peterson
Asst. Secretary of Agriculture

July 25, 1957
Date

SEC. IV. REGULATIONS

TITLE 7 - AGRICULTURE

CHAPTR VI - SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Part 601 - Great Plains Conservation Program

Subpart - General Program Provisions

The regulations in this subpart govern the Great Plains Conservation Program.

Authority: SECS. 601.1 to 601.35 issued under sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590g - 590q. Other statutory provisions interpreted or applied are cited to text.

SEC. 601.1 Definitions. The succeeding terms shall have the following meanings in this Part and in all contracts, forms, documents, instructions and procedures in connection therewith, unless the context or subject matter requires otherwise.

(a) Words in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand.

(b) "Secretary" means the Secretary of Agriculture of the United States or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator, SCS," means the Administrator of the Soil Conservation Service, United States Department of Agriculture.

(d) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service, United States Department of Agriculture.

(e) "State Conservationist" means the State Conservationist for a Great Plains State of the Soil Conservation Service, United States Department of Agriculture.

(f) "Great Plains Conservation Program" or "program" means the program provided for by the Act of August 7, 1956 (70 Stat. 1115-1117).

(g) "Great Plains States" means the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

(h) "Great Plains Area" means the currently recognized area determined by the Secretary within the Great Plains States where the program is applicable generally.

(i) "Designated county" means any county within a Great Plains State in the Great Plains Area which has been designated by the Secretary where the program is applicable specifically.

(j) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other non-public legal entity. The term "person" shall include two or more persons having a joint or common interest.

(k) "State ASC Committee" means the individuals in a Great Plains State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(l) "County ASC Committee" means the individuals elected within a designated county as the county committee pursuant to regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(m) "State Program Committee" means the State Conservationist, who shall be the Chairman, the Chairman of the State ASC Committee, the State Director of the Farmers Home Administration, the State Director of the Federal Crop Insurance Corporation, and a representative of the Forest Service in each Great Plains State. Where another agency having membership on the Great Plains Program Inter-agency Group, referred to in SEC. 601.3 (b) of this subpart, has a representative with State level administrative responsibilities in a Great Plains State, such representative shall be a member of the State Program Committee in such State. The State Director of the Agricultural Extension Service, the Director of the State Agricultural Experiment Station and a representative of the State Soil Conservation Committee (Board or Commission) shall be invited to participate. Representatives of other interested agencies or groups working in a Great Plains State may be invited to participate, as determined by the State Program Committee.

(n) "County Program Committee" means the designated SCS technician, who shall be the Chairman, the Chairman of the County ASC Committee of a designated county, and the county supervisor of the Farmers Home Administration of a designated county. Where another agency having membership on the Great Plains Program Inter-agency Group, referred to in SEC. 601.3 (b) of this subpart, has a representative with county level administrative responsibilities in a designated county, such representative shall be a member of the County Program Committee in such county. The county agricultural extension agent and the governing body of any soil conservation district in a designated county shall be invited to participate. As determined by the County Program Committee, other local, State and Federal agencies operating in the designated county may be invited to participate.

(o) "Operating unit" means a parcel or parcels of land, whether contiguous or non-contiguous, constituting a single operating unit for agricultural purposes. An operating unit shall be regarded as located in the designated county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the designated county in which the major portion of the operating unit is located.

(p) "Producer" means any person having control of an operating unit in a designated county.

(q) "Conservation practice" or "conservation measure" means any process used to protect the soil from water or wind erosion and deterioration by natural causes and any adjustments in land or water use that assists in mitigation of climatic hazards to agricultural lands. The terms "eligible conservation practice" or "eligible conservation measure" refer only to a process eligible for a cost-share payment under the program.

(r) "Conservation treatment unit" means a field of an operating unit or part of an operating unit in a specific land use requiring a particular type of management and the use of related conservation practices.

(s) "Plan of operations" means a written plan for all the acreage of an operating unit incorporating a time schedule of land use and treatment providing for such combinations of land use adjustments, cropping or grazing systems and conservation measures by conservation treatment units as are needed to conserve the soil and water resources.

(t) "Time schedule of land use and treatment" means a sequence of approved, planned land use and treatments listed by fields and by program years for an operating unit included in the plan of operations.

(u) "Identifiable unit" means all or an essential part or subdivision of an eligible conservation practice that, when carried out, can be clearly identified as a segment of the steps or sequence in carrying out the conservation practice.

(v) "Contract" means a Great Plains Conservation Program contract.

(w) "Cost-share payments" means payments to producers signatory to the contract as provided in the contract at established rates for the carrying out of identifiable units for which costs are shared and who have complied with the applicable provisions of the program.

(x) "Contracting officer" means the employee of the Soil Conservation Service designated for a part of a Great Plains State by the Administrator, SCS.

(y) "Designated SCS technician" means the Soil Conservation Service work unit conservationists for a designated county or in the absence thereof the employee of the Soil Conservation Service named for a designated county by the State Conservationist. In those cases involving the functions of the designated SCS technician with respect to the County Program Committee and eligible conservation practices, it means the employee of the Soil Conservation Service named for a designated county by the State Conservationist.

(z) "Certification of performance and compliance" means a written statement by the designated SCS technician that an identifiable unit has been properly carried out and that the producer signatory to the contract is in compliance with the terms and conditions of the program.

(a-1) "Average cost" means the average of the current cost estimates for an eligible conservation practice established for each designated county or part of a designated county which reflects the costs considered necessary to carry out the eligible conservation practice.

(a-2) "Program year" means the period beginning July 1 and ending on December 31 of the succeeding year.

SEC. 601.2. Objective and purpose. The Great Plains Conservation Program is a long-range voluntary program in addition to other United States Department of Agriculture programs in the Great Plains Area to assist farmers and ranchers to work out a land use and treatment program which will help them to prevent the recurrence or the effects of many of the hazards caused by the erratic climate of the Great Plains Area. In carrying out this program, the Secretary will enter into contracts based upon an approved plan of operations with producers and share the costs of carrying out eligible conservation practices on the operating unit for which cost-sharing is appropriate and in the public interest.

SEC. 601.3. Administration. (a) The Soil Conservation Service is responsible for administration of the program. The contracting officer is authorized to sign Great Plains Conservation Program contracts on behalf of the Secretary subject to certification of availability of funds by the Soil Conservation Service State office. The County ASC Committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness maintained in the office of the County ASC Committee. The Soil Conservation Service will arrange for making cost-share payments.

(b) The following agencies of the United States Department of Agriculture compose the Great Plains Program Inter-agency Group: Soil Conservation Service, Agricultural Conservation Program Service, Agricultural Marketing Service, Agricultural Research Service, Commodity Stabilization Service, Farmers Home Administration, Federal Crop Insurance Corporation, Federal Extension Service, Forest Service and the Office of Information. Under the Chairmanship of the Soil Conservation Service, this group shall assist in developing and reviewing operating policies and procedure for the program in an advisory capacity to the Secretary.

(c) The State Program Committee will assist in developing and reviewing, within the Great Plains area authorizations, policies and general operating procedures best suited in the Great Plains State.

(d) The County Program Committee will assist in developing and reviewing, within the Great Plains Area and Great Plains State authorizations, policies and general operating procedures best suited in the designated county.

(e) The program shall be carried out in close cooperation with interested Federal, State and local governmental units and organizations and other groups and individuals. The program in designated counties shall be coordinated with the work plan of soil conservation districts operating in such counties and with other United States Department of Agriculture activities including the Agricultural Conservation Program and the Soil Bank Conservation Reserve Program.

(f) Cooperation and advice of the Great Plains Agricultural Council will be sought in the program operation.

SEC. 601.4. Land eligible for the program. The program is applicable only to (1) private lands, and (2) non-private land when the applicability thereto is for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such lands under agreement with the non-private owner.

SEC. 601.5. Program applicability. The program will be applicable only in counties within the Great Plains Area of the Great Plains States designated by the Secretary. These designations will be based upon State Program Committee recommendations.

SEC. 601.6. Program eligibility. (a) Any producer who submits a plan of operations to the designated SCS technician in compliance with the terms and conditions of the program is eligible to sign a contract.

(b) Designated county representatives of United States Department of Agriculture agencies will assist any producer desiring to participate in the program in preparing an application (prescribed by the Administrator, SCS) for assistance and will receive such applications for transmittal to the local Soil Conservation Service office.

SEC. 601.7. Plan of operations. (a) The producer is responsible for developing a plan of operations which is the basis of a contract and should use all available sources of assistance. Available technical assistance in preparing the plan of operations will be provided through the designated SCS technician.

The Administrator, SCS, is authorized to prescribe the minimum requirements for the plan of operations. Each plan of operations must be approved by the designated SCS technician.

(b) The producer signatory to the contract is responsible for accomplishing his plan of operations and should use all available sources of assistance, including any phase of other United States Department of Agriculture programs that contribute to achieving the conservation aims. Available technical assistance will be provided to a producer signatory to the contract in accomplishing the plan of operations through the designated SCS technician.

(c) The Soil Conservation Service may also utilize the services of private, State and other Federal agencies in discharging its responsibility for technical assistance.

SEC. 601.8. Contracts. (a) In order for a producer to participate in the program, a contract must be entered into by him for the contract period by which he shall agree to accomplish his plan of operations. Where any person has control of the operating unit for the proposed contract period, he must sign the contract. Evidence satisfactory to the contracting officer of the control of the operating unit by the producer must be presented. The period of the contract shall be to the end of the program year that is needed to carry out and establish the conservation practices in the plan of operations for which Federal cost-share commitments are made under the program. However, the period of the contract shall not be less than 3 years nor exceed 10 years and in no event shall end later than December 31, 1971.

The contracting officer having determined that the plan of operations is adequate for a contract may execute the contract with the producer subject to certification in the Soil Conservation Service State office that funds are available. It is the responsibility of the producer who signs a contract to keep the contracting officer currently informed of his mailing address.

If, during the contract period, all or a part of the right and interest of any producer signatory to the contract in an operating unit is transferred by sale or otherwise, his successor, as transferee, during the contract period may upon his request be substituted under the contract for that transferred by executing a form prescribed by the Administrator, SCS, for such purposes. Also, see SEC. 601.20 of this subpart.

(b) Contracts previously entered into with a producer may be terminated upon mutual agreement of the contract signers and the contracting officer, only if such termination is specifically approved by the Administrator, SCS, or is authorized under general policies established by him. No contract may be so terminated unless the Administrator, SCS, determines either specifically or in the general policies authorizing termination that such termination would be in the public interest.

(c) Requirements of contracts previously entered into with a producer may be waived or modified by the contracting officer only if such waiver or modification is specifically authorized in this subpart, or is specifically approved by the Administrator, SCS, or is authorized under general policies established by him. For waivers or modifications specifically approved by this subpart, the Administrator, SCS, is authorized to establish general policies. Otherwise, no requirement of a contract may be so waived or modified unless the Administrator, SCS, determines either specifically or in the general policies authorizing waivers or modifications that such waivers or modifications are desirable to carry out the program purposes or such as to facilitate the practical administration thereof.

SEC. 601.9. Conservation practice maintenance. Each producer signatory to the contract shall agree to maintain in accordance with good farming practice, in accordance with sound grassland management principles or in accordance with sound woodland management, as the case may be, as prescribed by the contracting officer and as determined by the Administrator, SCS, or for the appropriate program, for the contract period or, if lesser, for the period of his control of the operating unit, conservation practices on the operating unit as specified in the contract. Failure to maintain for the required period the conservation practices shall be considered a contract violation.

SEC. 601.10. Selection of conservation practices. (a) The producer on the operating unit shall determine how he will use his land and the combination of conservation practices he will use in treating each conservation treatment unit.

(b) The conservation practices agreed to be carried out shall be carried out in conformity with the plan of operations. Conservation practices shall be carried out in accordance with the specifications obtained from the local Soil Conservation Service office or in accordance with the specifications applicable to the appropriate program. Conservation practices for which specifications are obtained from the local Soil Conservation Service office shall be carried out in accordance with the specifications which are applicable at the time the conservation practice is carried out or contracted for.

SEC. 601.11. Eligible conservation practices. (a) The Great Plains Conservation Program Practice List of soil and water conservation practices particularly suited to the Great Plains Area which are eligible for Federal cost-shares when carried out in combinations set forth in plans of operations is as follows:

(1) GP-1 (A-2). Initial establishment of a permanent vegetative cover as a part of an improved cropping system or as a needed land-use adjustment. This conservation practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover as a part of establishing improved cropping system rather than as a part of a regular cropping system. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to fence that area. Federal cost-sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

(2) GP-2 (A-6). Initial establishment of field strip-cropping to protect soil from wind or water erosion. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

(3) GP-3 (A-5). Initial establishment of contour strip-cropping to protect soil from wind or water erosion. All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Where permanent sod waterways are needed for the disposal of excess water they should be planned in combination with this conservation practice.

(4) GP-4 (E-2). Initial establishment of contour farming operations on non-terraced land to protect soil from wind or water erosion. All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. When permanent sod waterways are needed for the disposal of excess water they should be planned in combination with this conservation practice.

(5) GP-5 (B-2). Improvement of vegetative cover on rangeland by artificial reseeding for soil protection. The area seeded must not be grazed before the stand is established.

(6) GP-6 (A-8). Initial establishment of a stand of trees or shrubs on farm or ranch lands for windbreaks, shelterbelts, erosion control, or other purposes to protect farm or ranch land from wind or water erosion. This conservation practice will usually involve the use of adapted shrubs and trees in combinations that produce agricultural benefits such as protecting soil from wind and water erosion, protecting farm buildings and feed lots, stabilizing gullies and other critical silt and runoff source areas, building soil or improving wildlife habitat. No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference whenever practicable. Plantings must be protected from fire and grazing. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

(7) GP-7 (C-1). Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.

(8) GP-8 (C-4). Constructing terraces to detain or control the flow of water and check soil erosion. Necessary protective outlets or waterways must be provided. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

(9) GP-9 (C-5). Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets. Necessary protective outlets or waterways must be provided. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

(10) GP-10 (B-4). Furrowing, chiseling, ripping, scarifying, pitting, or listing non-crop grazing land to prevent soil loss, retard runoff, and improve water penetration. The operation must be performed as nearly as practicable on the contour.

(11) GP-11 (C-6). Constructing erosion control, detention, or sediment retention dams to prevent or heal gullying or to retard or reduce runoff of water.

(12) GP-12 (C-7). Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets or similar structures for the protection of outlets and water channels that dispose of excess water.

(13) GP-13 (C-8). Streambank or shore protection, channel clearance, enlargement or realignment, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland. This conservation practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land or where its primary purpose is to bring new land into agricultural production.

(14) GP-14 (C-16). Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.

(15) GP-15 (C-12). Reorganizing irrigation systems to conserve water and prevent erosion. This conservation practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the producer signatory to the contract, or for portable pipe. No Federal cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system for land which was not in use during at least two of the last five years.

(16) GP-16 (C-13). Leveling land for more efficient use of irrigation water and to prevent erosion. No Federal cost-sharing will be allowed for floating or restoration of grade. The leveling operation must be carried out in accordance with the plan of operations which shall also provide that temporary cover or a crop will be seeded on the land in the same growing season in which the leveling was done. The leveling plan shall be based on an adequate soil survey. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least two of the last five years.

(17) GP-17 (C-14). Constructing, enlarging, deepening, or lining dams, pits or ponds for irrigation water. The purpose of this conservation practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. Federal cost-sharing in excess of \$2,500 will not be made for any structure installed under this conservation practice. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least two of the last five years.

(18) GP-18 (C-15). Lining irrigation ditches to prevent erosion and loss of water by seepage. This conservation practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system.

THE FOLLOWING CONSERVATION PRACTICES (GP-19 to GP-24) ARE PROVIDED TO HELP ACHIEVE RANGE LAND CONSERVATION THROUGH PROPER DISTRIBUTION OF GRAZING OR BETTER GRASSLAND MANAGEMENT.

(19) GP-19 (B-5). Constructing wells for livestock water as a means of protecting vegetative cover. The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

(20) GP-20 (B-6). Developing springs and seeps for livestock water as a means of protecting vegetative cover. The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(21) GP-21 (B-7). Constructing, enlarging, deepening, or sealing dams, pits, or ponds as a means of protecting vegetative cover. The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(22) GP-22 (B-8). Installing pipelines for livestock water as a means of protecting vegetative cover. The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(23) GP-23 (B-3). Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land. On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the conservation practice will not be approved unless followed by seeding or other approved erosion control conservation measures.

(24) GP-24 (B-9). Constructing permanent fences as a means of protecting vegetative cover. This conservation practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for Federal cost-sharing.

(25) GP-25 (F-1). Special conservation practices. Consistent with the principles set forth in this program, the designated SCS technician and the Chairman of the County ASC Committee may recommend to the State Conservationist and the Chairman of the State ASC Committee conservation practices included in the Great Plains Conservation Program Practice List for which there is need locally on a substantial number of operating units but which are not selected for use in the Great Plains State. Such conservation practices, when recommended by the State Conservationist and the Chairman of the State ASC Committee, shall be submitted by the State Conservationist to the Administrator, SCS, for review and recommendation of both the Administrator, SCS, and the Administrator, ACPS, prior to transmittal by the Administrator, ACPS, to the Secretary for approval.

(26) GP-26 (F-2). Designated county conservation practices. Consistent with the principles set forth in this program, any conservation practice not included in the Great Plains Conservation Program Practice List but which is needed to meet particular conservation problems in a designated county shall, with the recommendation of the Administrator, SCS, and the Administrator, ACPS, be submitted by the Administrator, ACPS, to the Secretary for approval. Such approval may be given only upon the recommendation of the State Conservationist and the Chairman of the State ASC Committee and the designated SCS technician and the Chairman of the County ASC Committee, and upon their finding (a) that the conservation problem exists on a substantial number of operating units in the designated county, (b) that the conservation practices listed in this program will not provide adequate treatment of the problem, (c) that the proposed conservation practice will adequately meet the problem, (d) that the proposed conservation practice would not be performed to the extent needed without Federal cost-sharing, (e) that the proposed conservation practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (f) that the proposed conservation practice is one on which the offering of financial assistance is fully justified as being appropriate and in the public interest, and (g) that the proposed conservation practice meets the standards and requirements of comparable conservation practices in

this program. Costs will not be shared under this conservation practice for elements of performance for which cost-sharing is specifically precluded by the wording of a similar conservation practice or elsewhere in this program.

(b) There will be developed within each Great Plains State a list of soil and water conservation practices from the Great Plains Conservation Program Practice List which will be eligible for cost-sharing when carried out in the Great Plains State in combinations set forth in the plan of operations. This list, (the technical specifications for which must be obtained from the local Soil Conservation Service office) and the rates of cost-shares applicable to eligible conservation practices which appear on the Great Plains Conservation Program Practice List for the Great Plains State will be developed by the State Conservationist and the Chairman of the State ASC Committee after consultation with other representatives of other United States Department of Agriculture agencies on the State Program Committee and submitted by the State Conservationist to the Administrator, SCS, for review and recommendation of both the Administrator, SCS, and the Administrator, ACPS, prior to transmittal by the Administrator, ACPS, to the Secretary for approval.

(c) There shall be developed within each designated county from the Great Plains Conservation Program Practice List for the Great Plains State a list of soil and water conservation practices which will be eligible for cost-sharing when carried out in the designated county in combinations set forth in the plan of operation. This list, the current average cost of eligible conservation practices and the rates of cost-shares applicable to eligible conservation practices will be developed by the designated SCS technician and the Chairman of the County ASC Committee after consultation with other representatives of other United States Department of Agriculture agencies on the County Program Committee and approved for the designated county by the State Conservationist and the Chairman of the State ASC Committee.

SEC. 601.12. Cost-share payments. (a) The maximum cost-share which the Secretary will bear of the cost of carrying out an eligible conservation practice on an operating unit shall not exceed 80 percent of the average cost of carrying out each eligible conservation practice planned for the conservation treatment unit. The State Conservationist and the Chairman of the State ASC Committee in developing rates of cost-shares as provided in SEC. 601.11 (b) may develop rates of cost-shares for eligible conservation practices lower than that specified in this subsection, and the designated SCS technician and the Chairman of the County ASC Committee in developing rates of cost-shares as provided in SEC. 601.11 (c) may develop rates of cost-shares for eligible conservation practices lower than that established for the Great Plains State: Provided, in those cases where eligible conservation practices do not appear on the Great Plains Conservation Program Practice List for a Great Plains State, the rates of cost-shares for eligible conservation practices will be developed only for a designated county and may be developed at a lower rate than that specified in this subsection. Information as to items of cost for which cost-shares will be authorized will be available at the local Soil Conservation Service office and other local offices of United States Department of Agriculture agencies and the producer shall obtain such information there. Cost-share payments are not authorized for repairs or for normal upkeep or maintenance of any conservation practice.

(b) Cost-share payments are made for carrying out identifiable units and are conditioned upon approval of the certificate of performance and compliance by the designated SCS technician. The County ASC Committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness maintained in the office of the County ASC Committee. The designated SCS technician shall submit to the Soil Conservation Service State office the application for payment with the certificate of performance and compliance. The designated SCS technician may also utilize the assistance of private, State and other Federal agencies in discharging his responsibility for certification of performance and compliance.

A producer is not eligible to receive cost-share payments under the program for an identifiable unit which was not or is not to be carried out under this program.

(c) The contracting officer may find, in accordance with standards determined by the Administrator, SCS, that an identifiable unit has been carried out in accordance with applicable program provisions but, due to conditions beyond the control of the producer signatory to the contract, has failed to achieve the desired results. In such cases, cost-share payments may be made for the identifiable unit carried out upon the modification of the contract by the contracting officer and the producer signatory to the contract to provide for repeat application of the identifiable unit previously carried out.

(d) The contracting officer may find, in accordance with standards determined by the Administrator, SCS, that an identifiable unit has been carried out in accordance with applicable program provisions and has achieved the desired results but, due to conditions beyond the control of the producer signatory to the contract, subsequently deteriorated during the contract period to the point of need of repeat application. In such cases, the contracting officer may agree to modify the contract to authorize cost-share payments for carrying out the identifiable unit again: Provided, That the remaining period of the contract should be of such length of time as to allow the carrying out and establishment of such additional identifiable unit.

SEC. 601.13. Conservation materials or services. (a) Conservation materials or services needed by producers to carry out their contracts will be obtained or contracted for by producers. In sharing the cost of carrying out eligible conservation practices, the contract between the producer and the United States may provide that part or all of the Federal cost-share for an eligible conservation practice may be made to those who furnish conservation materials or services to the producer under the program for use in carrying out the eligible conservation practice after the conservation material or service has been purchased by the producer and supplied to him under his purchase. This method may not be used if the producer signatory to the contract is indebted to the United States as indicated by the register of indebtedness maintained in the office of the County ASC Committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit this method of sharing the cost of carrying out eligible conservation practices.

(b) Title to any material purchased as provided in this section shall vest in the United States until the material is applied or planted, or all charges against the producer for the material are satisfied.

(c) Federal cost-shares will be made as provided in this section, under instructions issued by the Administrator, SCS, not in excess of the cost-share attributable to the use of the material or service or not in excess of the cost-share for all identifiable units as may be requested by the producer, with the approval of the contracting officer in accordance with standards determined by the Administrator, SCS.

(d) The producer signatory to the contract who purchases a material or service as provided in this section will be relieved of responsibility for the material or service upon determination by the contracting officer that the material or service was used for the purpose for which it was purchased and that any other identifiable units, on which the amount of the Federal cost-share toward the cost of the material or service was determined, have been carried out in accordance with applicable program provisions. If the producer uses any material or service obtained under this section for any purpose other than for which it was purchased under an authorization, he shall be indebted to the United States for that part of the cost of the material or service paid by the United States as provided in this section and shall pay such amount to the Soil Conservation Service or such amount shall be withheld from cost-share payments otherwise due him under the program.

(e) Any producer to whom materials are furnished as provided in this section shall be responsible to the United States for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used, they may, in accordance with instructions issued by the Administrator, SCS, be transferred to another producer signatory to a contract or otherwise disposed of at the expense of the producer who abandoned or failed to use the material.

(Sec. 16, 49 Stat. 1151, as amended; 16 U.S.C. 590p).

SEC. 601.14. Fair prices for conservation materials or services acquired by a producer signatory to a contract by means of an authorization. (a) A fair price for a producer signatory to a contract acquiring a conservation material or service by means of an authorization shall be established only where the individual designated to establish fair prices determines that the establishing of a fair price for a given material or service is necessary because (1) the supply or availability of the material or service through local commercial channels is inadequate to meet the anticipated demand, and (2) the inadequate supply will result in commercial prices that are excessive in relation to such supply.

(b) The Administrator, SCS, shall designate the conservation materials or services which may be purchased by means of authorizations in connection with the program, the individual who shall establish the fair prices, the method of making such determinations, and shall prescribe the procedures under which materials or services may be purchased: Provided, however, That (1) any such fair prices shall be established in accordance with the provisions of this section, and (2) any such fair prices shall be subject to such review as may be required by the individual who has delegated the authority to establish fair prices.

(c) A fair price for conservation materials shall be the price at which a vendor agrees to furnish the material to the producer signatory to the contract at a given time under a given set of conditions, provided it is determined by the individual authorized to establish fair prices that the price is not excessive in relation to: (1) The prices which farmers or ranchers are currently paying for the same or similar material under the same or similar conditions, (2) the prices at which farmers or ranchers could obtain the same material through other than local channels, and (3) the actual or estimated cost to the vendor and a reasonable margin for profit.

(d) A fair price for services shall be the price at which a vendor equipped to perform a service agrees to furnish it to a producer signatory to a contract at a given time and under a given set of conditions, providing it is determined by the individual authorized to establish fair prices that the price is not excessive in relation to: (1) The prices which farmers or ranchers are currently paying for the same or similar service under the same or similar conditions, and (2) the actual or estimated cost to the vendor and a reasonable margin for profit.

(Sec. 16, 49 Stat. 1151, as amended; 16 U.S.C. 590p).

SEC. 601.15. Materials and services - Defective - Inspection and analysis. (a) The material or service furnished to a producer signatory to a contract under authorizations shall be deemed to be defective if it is determined that the material or service does not meet quality specifications. In such case the Secretary will make no payments under any authorization. At the option of the individual designated to establish the fair price such materials or services may be accepted by the producer signatory to the contract subject to a deduction equal to the difference between the price of the material or service of the quality specified and the value of the material or service furnished to the producer signatory to the contract.

(b) As a condition to the Secretary making payments under authorizations, opportunity must be given to inspect materials or services and to take necessary samples in accordance with instructions issued by the Administrator, SCS: Provided, however, That the inspection and analysis controls exercised by State regulatory authorities may be deemed a sufficient protection to the United States as to the quality standards of any material over which such authority is exercised: Provided, further, That this shall not deprive the United States of the opportunity of the taking of additional samples nor shall it deprive the United States of the opportunity for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interests of the United States.

(Sec. 16, 49 Stat. 1151, as amended; 16 U.S.C. 590p).

SEC. 601.16. Manner and time of cost-share payments. Cost-share payments shall be paid to the producer after he has carried out an identifiable unit of his plan of operations and arrangements therefor shall be made by the Soil Conservation Service State office. Payments shall be made as soon as practicable after the identifiable unit is carried out and the extent of performance has been established. It shall be the responsibility of the producer eligible for cost-share payments to establish his claim to such payments. Cost-share payments for identifiable units carried out under the program will be made only upon application submitted on the form prescribed by the Administrator, SCS, to the designated SCS technician or to the County ASC Committee for transmittal to the designated SCS technician. Such application shall be filed by June 30 of the year following the calendar year in which the identifiable unit was carried out. Application for cost-share payments shall specify the proportions of each producer's contribution to the carrying out of each identifiable unit. Cost-share payments will be made for the identifiable units carried out in the program year as shown on the time schedule of land use and treatment unless otherwise provided for by modification of the contract.

SEC. 601.17. Division of cost-share payments between producers signatory to a contract. The Federal cost-share attributable to the use of conservation materials or services shall be credited to the producer to whom the authorization for purchase of materials or services is furnished. The remainder of the cost-share shall be credited to the producer who carried out the identifiable unit by which such remainder of the cost-share is earned. If more than one producer contributed to the carrying out of an identifiable unit, the cost-share payment

shall be divided among the producers in proportion to the extent which they contributed to the carrying out of the identifiable unit as set forth in the approved application for cost-share payments. The furnishing of land or the right to use water will not be considered as a contribution for the carrying out of any identifiable unit.

SEC. 601.18. Reconstitution of operating units. If, for any cause, two or more operating units as constituted at the time a contract is entered into are later combined, or if one operating unit as constituted at the time the contract is entered into is later divided into two or more operating units, or if at the time the contract is entered into it is agreed that the operating unit as constituted at that time is inadequate and the operating unit is enlarged to include additional land, any contract must be modified by the contracting officer and the contract signers to reflect the changes, if any, required by such reconstitution.

SEC. 601.19. Identifiable units carried out with State or Federal aid. The total extent of any identifiable unit carried out shall be reduced for the purpose of computing Federal cost-shares by the percentage of the total cost of the items carried out on which costs are shared which the designated SCS technician determines was furnished by a State or Federal agency.

SEC. 601.20. Successors-in-interest. (a) In case of death, incompetency, or disappearance of any producer, any cost-share payment under the contract due him shall be paid to his successor, as determined in accordance with the provisions of the regulations (Chapter XI, Part 1108 of this title) issued by the Secretary, and any amendments thereto, for payments under Section 8 of the Soil Conservation and Domestic allotment Act, as amended.

(b) (1) If during the contract period all or a part of the right and interest of any producer signatory to the contract in the operating unit is transferred by sale or otherwise, the contract shall terminate as to such producer with respect to the acreage which has been transferred. In the event of such termination the producer whose right and interest is transferred shall forfeit all rights to further cost-share payments or grants under the contract with respect to the acreage which has been transferred and all cost-share payments or grants made to him under the contract shall be refunded with respect to such acreage unless the transferee who acquires his right and interest in such acreage is or becomes a party to a contract which will assume all obligations of the producer under the contract.

(2) The contract shall remain in full force and effect in accordance with the original terms and conditions of the contract with respect to the right and interest remaining in the producer, to be modified by the contracting officer and the producer signatory to the contract, however, to reflect the changes, if any, brought about by any transfer. In the event necessary modifications cannot be agreed to with the contracting officer, the producer shall refund all cost-share payments or grants made with respect to the remaining right and interest of the operating unit in the producer in the contract. If this refund occurs, the producer would have no further rights or obligations under the contract.

(3) Except as this subpart may require otherwise, the transfer of all or part of the operating unit by any producer signatory to the contract shall not affect the rights and obligations of all other producers signatory to the contract.

SEC. 601.21. Pooling arrangements. Producers in any local area may, with the prior approval of the contracting officer, enter two or more operating units jointly in the program if a plan of operations satisfactory to the designated SCS technician is developed that would result in a better land use and treatment program for the operating units through such joint participation than would be obtained through individual operating unit participation.

SEC. 601.22. Practices that tend to defeat the purposes of a contract. The following practices are specified as practices which tend to defeat the purposes of the contract:

- (1) Knowingly or negligently destroying or breaking up a conservation practice in the plan of operations, irrespective of cost-share payments, unless prior approval in writing is given by the contracting officer to the destroying or breaking up under standards determined by the Administrator, SCS.

Adoption of any such practices by a producer on an operating unit while he has control thereof during the life of the contract shall constitute a violation of the contract.

SEC. 601.23. Appeals. (a) Any producer may request the contracting officer or the designated SCS technician to reconsider, prior to the execution of the contract by the producer, any determination made by him affecting the contract except this may not include development of eligible conservation practices, cost-share rates and average costs. Such request shall be in writing and shall be filed within 15 days after receiving notice of such determination. A producer shall be deemed to have received notice of the determination if a letter, form or other document has been mailed or delivered to him which discloses such determination. The contracting officer or the designated SCS technician shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 15 days after the filing of the written request for reconsideration.

If the producer is dissatisfied with the decision of the contracting officer or the designated SCS technician, he may, within 15 days after receiving written notice of the decision, file a written appeal with the State Conservationist. The State Conservationist shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 30 days after filing of the appeal. If the producer fails to request reconsideration of a determination by the contracting officer or designated SCS technician, or fails to appeal from a decision of the contracting officer or designated SCS technician, within the 15-day period, the determination or decision of the contracting officer or the designated SCS technician shall be final.

The contracting officer or designated SCS technician may submit statements or briefs, including a review of the case, to the State Conservationist.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations in this subpart), which is not disposed of by written agreement after a reasonable time shall be referred to the State Conservationist for a decision. The State Conservationist shall notify the producer in writing (by mailing or delivery of the notice) that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to receiving the notice. If the producer files a request for such an opportunity within 15 days from receiving such notice, the producer will be afforded an opportunity to appear and present his views orally and to offer relevant evidence in support of his position. If

the producer does not request an opportunity to appear and to present relevant evidence, the State Conservationist shall promptly proceed to consider the matter on the basis of such information as may be available to him, including statements or briefs of the authorized representatives of the Secretary whose actions are in dispute. The State Conservationist shall notify the producer of his decision in writing by mailing or delivery of the decision.

(c) Any producer adversely affected may appeal to the Administrator, SCS, from a decision of the State Conservationist. A producer who wishes to take such action must file his appeal and any briefs or statements in the office of the Administrator, SCS, within 30 days from receiving notice of the decision of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the State Conservationist. The State Conservationist shall submit the record before him, which will include his decision, to the Administrator, SCS. The Administrator, SCS, upon receipt of the record, will promptly as possible render a decision, which decision in writing shall be brought to the attention of the producer by mailing or delivery of the decision.

(d) Any producer adversely affected may appeal to the Secretary from a decision of the Administrator, SCS. A producer who wishes to take such action must file his appeal and any briefs or statements in the office of the Secretary within 30 days from receiving notice of the decision of the Administrator, SCS. The Administrator, SCS, may file a brief or statement in the office of the Secretary within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the Administrator, SCS. The Administrator, SCS, shall submit the record before him, which will include his decision, to the Secretary. The Secretary, upon receipt of the record, will make a decision from which no appeal will lie in the Department. The producer shall be notified of this decision in writing.

(e) Whenever the regulations in this section require the filing of a document, it is deemed filed when received in the office of the individual concerned.

SEC. 601.24. Contract violations. (a) The producer shall agree by signing a contract to forfeit all rights to further cost-share payments or grants under the contract and to refund all cost-share payments or grants received thereunder, if the Secretary determines that there has been a violation of the contract during the time the producer has control of the operating unit and that such violation is of such a nature as to warrant termination of the contract. The producer who signs the contract will be obligated to refund all cost-share payments and all cost-shares paid under authorizations.

(b) The producer shall agree by signing a contract to make refunds of cost-share payments or grants received under the contract or to accept payment adjustments in the contract, if the Secretary determines that there has been a violation of the contract during the time the producer has control of the operating unit and that such violation is of such a nature as not to warrant termination of the contract. Payment adjustments may include decreasing the rate of a cost-share or deleting from the contract a cost-share commitment or withholding cost-share payments earned but not paid. The producer who signs the contract will be obligated to refund cost-share payments and cost-shares paid under authorizations.

SEC. 601.25. Contract violations procedure. (a) This section prescribes the regulations for determining whether a violation of a contract has occurred and for the effect and result of such violation. The Secretary reserves the right upon notice to modify, amend, revise, or supplement any of the provisions of this section at any time: Provided, That such action shall not adversely affect any producer where determination or decision has been made and the producer has been officially notified thereof before such action is taken. No cost-share payment or cost-share shall be made pending the determination or decision as to whether a contract violation has occurred.

(b) If the contracting officer receives information indicating that a violation of a contract may have occurred but determines, without the issuance of a notice as provided in this section, with the approval of the State Conservationist that no violation has occurred, or that the violation does not call for any forfeiture, refund or payment adjustment, no further action shall be taken.

(c) If all of the producers subject to a forfeiture, refund or payment adjustment agree in writing on a form prescribed by the Administrator, SCS, to accept such forfeiture, refund or payment adjustment, no further proceeding under this section shall be undertaken. The contracting officer and the State Conservationist shall give approval to this agreement. The agreement shall specify what occurs to the contract.

(d) If the State Conservationist believes, on information submitted by the contracting officer or otherwise, that a violation of a contract has occurred which would call for a forfeiture, refund or payment adjustment under the provisions of this section, written notice thereof, on a form prescribed by the Administrator, SCS, shall be given to each producer signatory to the contract.

Notice to a producer under this section may be shown by (1) a written statement by an authorized representative of the Secretary that the notice was personally delivered to the producer; (2) a written statement by a producer acknowledging receipt of the notice; and (3) a post office return receipt (registered or certified mail) showing that the notice was delivered at the last address of the producer or showing that the notice could not be delivered to the producer at his last address because he had moved without a forwarding address, or because the producer refused to accept delivery at his last address, or because the last address does not exist. A producer under this section will be considered to have received the notice at the time of personal receipt, at the time of the delivery of a registered or certified letter, or at the time of the return of an undelivered registered or certified letter.

The notice shall set forth the nature of the alleged violation and shall inform the producer that he will be given an opportunity to appear at a hearing before a person designated by the State Conservationist to conduct a hearing if he files a written request for such hearing in the local Soil Conservation Service office not later than 30 days after the time he received the notice. The producer shall be notified in writing by the hearing officer of the time, date and place set for the hearing. When practicable, the hearing will be held in the designated county where the operating unit is regarded as being located. If the producer does not file written request for a hearing, or does not appear at the appointed time or is not represented at a hearing so requested, he shall have no

further right to a hearing before a hearing officer. However, a hearing officer already appointed may, in his discretion, permit such producer to appear before him. A request filed by any one producer with the local Soil Conservation Service office shall be deemed to be the request of all producers signatory to the contract.

(e) The hearing before the hearing officer shall be held at the time and place and on the date set forth in the notice of the hearing to the producer.

The hearing shall be conducted in the manner deemed most likely to obtain the facts relevant to the alleged violation. The hearing officer shall have full authority to confine the presentation of facts and evidence to pertinent matters and to exclude irrelevant, immaterial or unduly repetitious evidence, information or questions. In so doing, the hearing officer shall not be bound by the strict rules of evidence as required in courts of law. Witnesses may be sworn at the discretion of the hearing officer. The hearing shall be public.

(f) The producer, or his representative, at the hearing shall be given a full opportunity to present facts and information relevant to the alleged violation and may present oral or documentary evidence. Statements and evidence may be submitted at the hearing by the United States. Individuals not otherwise presented at the hearing to give information or evidence may, in the discretion of the hearing officer, be requested or permitted to give information or evidence. The hearing officer, in his discretion, may permit witnesses to be cross-examined, including those individuals called by him.

(g) The hearing officer shall provide for the making of a record at the hearing as will enable him to make a summary of the testimony received at the hearing if the producer and the State Conservationist agree. If the State Conservationist feels that the nature of the case is such as to make a transcript desirable or if the producer requests such a transcript a reasonable period prior to the time that the hearing begins, a transcript of the hearing shall be made. If a transcript is desired only by a producer, he will be required to provide for its preparation and for the payment of the expense thereof. If a transcript is desired by both the State Conservationist and the producer, the producer will be required to pay only the expense of a copy of the transcript. The remainder of the expense will be paid by the United States.

(h) If, at the time scheduled for the hearing, the producer is absent and no appearance is made on his behalf, the hearing officer shall, after a lapse of such a period of time as he may consider proper and reasonable, close the hearing, or may, in his discretion, accept information and evidence submitted by others present for the hearing.

(i) In every case where a producer is sent a notice of an alleged violation pursuant to (d) of this section, except where the producer agrees to the forfeiture, refund or payment adjustment as provided in (c) of this section, the hearing officer shall furnish the State Conservationist with a written report setting forth his findings, conclusions, and recommendations. The report shall include the summary of testimony or transcript made of any hearing before the hearing officer and all other information which would be of aid to the State Conservationist in reaching his determination.

(j) The State Conservationist shall make a determination on the basis of the hearing officer's report and any other information available to him as to whether a violation of the contract has occurred, and, in accordance with the provisions of this section, the amount of the forfeiture, refund or payment adjustment. The determination of the State Conservationist shall specifically state whether the violation is of such a nature as to warrant termination of the contract or that the violation does not warrant termination of the contract. Each producer who signed the contract shall be notified in writing of the determination reached by the State Conservationist.

(k) The State Conservationist may authorize or require the re-opening of any hearing before a hearing officer for any reason at any time prior to his determination.

(l) Any producer adversely affected by a determination of the State Conservationist shall have the right of appeal to the Administrator, SCS. A producer who wishes to appeal to the Administrator, SCS, must file in the office of the Administrator, SCS, his appeal. This appeal and any briefs or statements must be received in such office within 30 days after the producer has received notice of the determination of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the State Conservationist which records shall be submitted to the Administrator, SCS, by the State Conservationist. The Administrator, SCS, will render his decision on the basis of the records before him and the issues presented by the appeal. The producer will be notified in writing of this decision.

(m) Any producer adversely affected may appeal to the Secretary from a decision of the Administrator, SCS. A producer who wishes to appeal to the Secretary from a decision of the Administrator, SCS, must file in the office of the Secretary his appeal. This appeal and any briefs or statements must be received in such office within 30 days after the producer has received notice of the decision of the Administrator, SCS. The Administrator, SCS, may file a brief or statement in the office of the Secretary within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the Administrator, SCS, which records shall be submitted to the Secretary by the Administrator, SCS. The Secretary will make his decision from which no appeal will lie in the Department. This decision will be based upon the record before him and the issues presented by the appeal and the producer shall be notified in writing.

(n) If the determination or decision is that the violation is of such a nature as to warrant termination of the contract, the determination or decision shall state that the contract is terminated and that all rights to further cost-share payments or grants under the contract are forfeited and that all cost-share payments or grants received under the contract shall be refunded. The determination or decision will state the amount of the refund and how payment may be accomplished.

(o) If the determination or decision is that the violation is of such a nature as not to warrant termination of the contract, the producer may be required to make a refund of cost-share payments or grants or to accept payment adjustments. The determination or decision shall state the extent of refunds of cost-share payments or grants or payment adjustments. In arriving at the extent of a refund of cost-share payments or grants or payment adjustments under this section there will be considered (1) the extent of the violation; (2) whether the violation was deliberate or the result of negligence or was due to circumstances beyond the control of the producer; (3) the effect on the program if no refund or payment adjustment is required; (4) the extent to which the producer benefited by the violation; (5) the effect of the violation on the contract as a whole; and (6) other pertinent considerations including the appropriateness and reasonableness of the refund or payment adjustment.

SEC. 601.26. Assignments. Assignments by any producer who may be entitled to any cost-share payment under the program are prohibited unless made in accordance with the provisions of Section 203, Title 31, U.S.C., and any amendments thereto, and Section 15, Title 41, U.S.C., and any amendments thereto.

SEC. 601.27. Cost-share payments not subject to claims. Any cost-share payment, or portion thereof, due any producers hereunder shall be determined and allowed without deduction of claims for advances (except as provided in SEC. 601.26 and except for indebtedness to the United States subject to set-off); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner of the operating unit or any other creditor.

SEC. 601.28. Filing of false claims. No producer shall file a claim for a cost-share payment to which he knows he is not entitled under the provisions of the program, including claim for a cost-share payment not carried out or for eligible conservation practices carried out in such a manner that they do not meet the required specifications therefor, and the filing of any such claim shall constitute a violation of the contract.

SEC. 601.29. Set-offs. If any producer to whom compensation is payable under the program is indebted to the United States Department of Agriculture, or any agency thereof, including the Commodity Credit Corporation and Federal Crop Insurance Corporation, or is indebted to any other agency of the United States, and such indebtedness to such other agency is listed on the county register of indebtedness maintained in the office of the County ASC Committee, the compensation due such producer shall be set-off against such indebtedness. Indebtedness owing to the United States Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

SEC. 601.30. Compliance with regulatory measures. Producers who carry out conservation practices shall be responsible for obtaining the authorities, rights, easements or other approvals necessary to the carrying out and maintenance of the conservation practices in keeping with applicable laws and regulations. Producers shall save the United States harmless from any infringements upon the rights of others or from any failure to comply with applicable laws or regulations.

SEC. 601.31. Misuse of authorizations. No producer shall knowingly use an authorization issued to him for obtaining conservation materials or services for a purpose other than for which it was issued and the misuse of the authorization shall constitute a contract violation.

SEC. 601.32. Access to operating unit and program records. Any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of any of the representations made in or in connection with or leading up to any contract entered into hereunder and the entering into any contract or the performance of the terms and conditions of such contract shall have the right to enter the operating unit at any reasonable time in order to measure the acreage, to render technical assistance, to inspect the work undertaken under any contract and to examine any program records pertaining to the operating unit and the producer shall furnish such information relating to the operating unit as may be requested by authorized representatives of the Secretary.

SEC. 601.33. State Conservationist approval of designated county program determinations. The State Conservationist, upon his own initiative, may revise or require revision of any determination made by the contracting officer or the designated SCS technician in connection with the program except that the State Conservationist may not make a revision of any executed contract other than as may specifically be authorized herein.

SEC. 601.34. Waivers. The Secretary upon recommendation of the Administrator, SCS, may waive the requirements of any provisions of the regulations in this Part, if not prohibited by law, if, in his judgment, such waiver is desirable to carry out the purposes of the program or will facilitate the practical administration thereof.

SEC. 601.35. Effect on acreage allotment and marketing quota programs. (a) Insofar as the acreage of cropland on any operating unit enter into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the operating unit shall not be decreased during the period of any contract by reason of any action taken for the purpose of carrying out such contract.

(b) The acreage on any operating unit which is diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out a contract shall be considered as acreage devoted to the commodity for the purpose of establishing future State, county and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

(c) In applying the provisions of paragraph (6) of Public Law 74, 77th Congress (7 U.S.C. 1340 (6)), and Sec. 326 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1326 (b)), relating to reduction of the storage amount of wheat, the acreage on any operating unit which is diverted from the production of wheat in order to carry out a contract shall be regarded as wheat acreage on the operating unit.

SEC. V. OPERATING PROCEDURES

1. Agency Responsibilities

The Soil Conservation Service has been designated as the agency responsible for administration of the program.

In field operations the Soil Conservation Service will be responsible for all technical phases of the program. The designated Area Conservationist of the Soil Conservation Service will serve as contracting officer for the Secretary. The Soil Conservation Service State office will arrange for making cost-share payments to eligible producers participating in the program upon receipt of GP Form 4 appropriately certified by the designated SCS technician and the County ASC Committee.

A. Great Plains Inter-agency Group

To assure effective participation by all affected agencies of the Department and use of all departmental resources to implement the program, there has been established within the Department a Great Plains Inter-agency Group. This Group is composed of representatives of the Soil Conservation Service, the Agricultural Conservation Program Service, the Agricultural Marketing Service, the Agricultural Research Service, the Commodity Stabilization Service, the Farmers Home Administration, the Federal Crop Insurance Corporation, the Federal Extension Service, the Forest Service, and the Office of Information. The representative of the Soil Conservation Service is designated to serve as Chairman of the Inter-agency Group. Where these agencies have representatives at the State and county level, they will constitute State and County Program Committees.

B. The State Program Committee

A State Program Committee will be composed of the State Conservationist, SCS, who shall be Chairman, the Chairman of the State ASC Committee, the State Director of the Farmers Home Administration, the State Director of the Federal Crop Insurance Corporation, and a representative of the Forest Service.

The Chairman will invite the participation of the State Directors of the Agricultural Extension Service and of the Agricultural Experiment Stations and of a representative of the State Soil Conservation Committee (Board or Commission). Representatives of other interested agencies or groups in the State may be invited to participate as determined by the Committee.

The duties of the State Program Committee will include:

- (1) Reviewing policies and procedures developed at the national level.
- (2) Developing State policies and procedures as needed.
- (3) Making recommendations on counties to be designated by the Secretary.
- (4) Adapting the program to State conditions.
- (5) Providing for agency cooperation and participation according to needs within the State, and
- (6) Advising the State Conservationist on other administrative and program needs.

C. The County Program Committee

A County Program Committee will be composed of the designated technician of the Soil Conservation Service who shall be Chairman, the Chairman of the County ASC Committee, and the County FHA Supervisor. This Committee, working with the County Agricultural Extension Agent and the soil conservation district governing body, will formulate for the State Program Committee recommendations on such items as:

- (1) Adapting the program to needs within the county.
- (2) Land use changes and conservation practices currently needed in the county.
- (3) Procedures for receiving and processing applications.
- (4) Acceptable standards for plans and contracts.
- (5) Cooperation with agencies and interests outside the Department, and
- (6) In other ways provide continuing assistance and advice concerning the program.

The Great Plains Conservation Program in designated counties will be coordinated with the work plan of the soil conservation districts and with other agricultural programs operating in such counties.

Other local, State and Federal agency representatives in the county will be invited to participate as determined by the Committee.

2. Designation of Counties

All counties in the Great Plains Area of the ten Great Plains States that are susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors, are eligible for designation by the Secretary on recommendation of the State Program Committee through the Administrator, SCS.

The criteria to be used by the State Program Committee in recommending to the Secretary eligibility of a county for participation in the program are:

A. Physical Factors

- (1) The county is a hazardous area for dependable crop and grass production because of variations in amount, distribution and effectiveness of rainfall and other climatic factors.
- (2) Soil surveys of the county indicate soils high in wind erosion susceptibility and deteriorated in condition.
- (3) Capability classification of soils reveals a need for land use changes.
- (4) Changes are needed in cropping systems and grassland management for a stable agriculture.
- (5) There is a need for improved conservation and use of agricultural water resources.

B. Interest of Local People in Establishing a Long-Range Soil and Water Conservation Program

- (1) Land owners and operators and local leaders understand the need for, and benefits of, a long-range soil and water conservation program.
- (2) There is participation in, and support of, soil and water conservation activities.
- (3) Local leadership desires to promote, support and assist with the Great Plains Conservation Program.

The responsibility for developing procedures to determine local interest in the program shall be one of the duties of the State Program Committee. The procedures may include public hearings, petitions of land owners and operators, resolutions by the governing bodies of soil conservation districts, county ASC committees, county farm bureaus, granges, farmers union, local livestock organizations, and the like. The Secretary will consider the designation of additional counties quarterly -- January 1, April 1, July 1, and October 1.

3. Eligibility for Program Participation

Any producer, within a county designated by the Secretary, who has control over land (Regulations SEC. 601.4) considered to be an operating unit and who submits a plan of operations in compliance with the purposes and regulations of the program is eligible to participate in the program. The contracting officer is responsible for determining whether or not the land offered as being "an operating unit" meets the definition thereof in the regulations.

4. Applying for Assistance

Any eligible producer may file an application for assistance on GP Form 1 with any county office of the Department of Agriculture. All applications will be transmitted to the local office of the Soil Conservation Service.

5. Developing the Plan of Operations

The producer is responsible for developing his plan of operations. Soil survey maps with land capability information and range site maps will be provided to the producer for use in formulating his plan.

A plan of operations developed by the producer as a basis for a cost-sharing contract will contain as a minimum:

- A. A conservation plan map. Each field shall be clearly numbered and the acreage shown. Land use and cropping system changes and conservation practices may be indicated on the map.
- B. Identification of the farm or ranch showing name of the producer and location of the operating unit.

- C. A brief statement for each conservation treatment unit setting forth the decisions of the producer as to how he will use and treat the land. The statement will show the field or fields and the total acreage in each conservation treatment unit and the estimated total amount of each conservation practice to be applied. Cropping or grazing systems and other management requirements pertinent to the successful treatment of the unit will be included.
- D. A time schedule of land use and treatment that sets forth each conservation treatment unit, its land use, cropping or grazing systems and the estimated amount of each conservation practice to be applied each year by fields. All practices under the program shall be given contract item numbers and be listed in suggested order of priority for installation. Estimated cost-share amounts to be paid by the Federal Government under Public Law 1021 will be entered for each eligible practice or an identifiable unit thereof.

Each plan of operations must meet Soil Conservation Service technical standards for farm and ranch conservation planning. The Soil Conservation Service technician responsible for determining their adequacy shall provide an opportunity to the governing body of the soil conservation district to review plans of operation developed by producers. Where the producer is a district cooperator, the review should be made prior to making a final decision as to the adequacy of the plan.

Each such plan of operations shall be certified as adequate for cost-share contract under P. L. 1021, 84th Congress.

6. Technical Assistance

The Soil Conservation Service will provide available technical assistance to a producer in developing and carrying out a plan of operations under the program. The producer will be encouraged to use all other available sources of assistance and advice in developing and carrying out his plan of operations. The producer will

be encouraged to seek advice on the economic returns that may be expected from alternative uses of land and cropping systems and crop and livestock management information from the State Agricultural Extension Service. He will be encouraged to seek advice on establishing shelterbelts and windbreaks from available local personnel of the State Forestry agency.

The designated technician of the Soil Conservation Service serving the county in which the operating unit is located is responsible for scheduling technical assistance requested by the producer for site selection, layout, and necessary supervision of the installation of the practices to be cost-shared. The producer will be encouraged to use available public and private sources of assistance in the installation of practices whether they are to be cost-shared or not.

The designated technician of the Soil Conservation Service will make the necessary arrangements with the Area Conservationist for the services of technicians not resident at the work unit location. This will include the services of Soil Scientists and Range Conservationists to make necessary surveys of farms or ranches, and of other Soil Conservation Service technicians to assist the producer in developing and carrying out his plan of operations.

7. Carrying out the Plans of Operations

The producer is responsible for carrying out his plan of operations. He will be encouraged to carry it out as rapidly as climatic conditions and his own resources permit in conformity with the priority of practice installation set up by conservation treatment units in his schedule of land use and treatment and contract.

When weather conditions are favorable, every effort will be made, within funds and personnel available, to provide needed assistance to speed up the application of the plan of operations.

The producer will not be penalized if unfavorable climatic conditions cause delays in the installation of certain practices. Fund limitations, however, could cause further postponements if practices are not carried out in the year scheduled because there is a program year limitation of \$25,000,000 on cost-share payments.

The Soil Conservation Service is responsible for review of the progress of the producer in carrying out his plan of operations at least annually. (GP Form 5). The annual review of progress may result in adjustments in the plan of operations and the contract deemed essential to keep the program current.

8. Certification of Performance

Cost-sharing depends upon the performance of identifiable units of the practices in the priority established in the schedule of land use and treatment in accordance with all applicable specifications and program provisions. To be eligible for cost-sharing the producer must carry out identifiable units of practices in accordance with specifications and must not adopt other practices that tend to defeat the purpose of the program.

It shall be the responsibility of the producer to make application for any cost-share payment due him by filing GP Form 4 with the designated Soil Conservation Service technician or the County ASC Committee.

The designated technician of the Soil Conservation Service will complete GP Form 4 certifying performance and compliance with the program and transmit it to the Soil Conservation Service State office after it is appropriately certified by the County ASC Committee as required by Regulation Sec. 601.3.

The original of this certification (GP Form 4) will be used by the Soil Conservation Service State office in scheduling the application for cost-share for payment. Copies of GP Form 4 will also be sent to the producer, to the County ASC Committee, and to the Area Conservationist of the Soil Conservation Service. The producer will receive cost-sharing for identifiable units of practices carried out in accordance with applicable specifications and program provisions even though they do not achieve desired results provided that the failure is due to conditions beyond the control of the producer such as continued drought. In such cases, upon certification of the Soil Conservation Service technician checking performance, the approved identifiable units will be scheduled for payment. The contracting officer shall modify the contract to reschedule cost-sharing for the identifiable units before payments may be made.

9. Cost-share Rates

The maximum cost-share rate shall not exceed 80 percent of the average cost of installing each eligible conservation practice for a county or a part of a county planned for the conservation treatment unit. The estimated cost of any direct and significant factor in the performance of a practice will be considered in establishing cost-share rates.

10. Cost-share Payments

The Soil Conservation Service State office shall arrange for making cost-share payments to producers upon (1) receiving certification of performance and compliance from the designated SCS technician, (2) certification by the County ASC Committee of non-duplication of payment made under Department of Agriculture programs administered by it, and (3) a determination by the County ASC Committee of the status of indebtedness of producers as shown on the county register of indebtedness maintained in the office of the County ASC Committee.

Part or all of the Federal cost-share may be in the form of conservation materials or services. The designated SCS technician will issue needed authorizations for conservation materials and services. Copies of such authorizations that are issued will be supplied to the Area Conservationist and the Soil Conservation Service State office. (Regulations, SEC. 601.13).

The Great Plains Conservation Program Contract (GP Form 2) provides that one or more of the eligible conservation practices incorporated in the plan may be carried out by the producer under other United States Department of Agriculture programs. If a producer desires to elect to carry out a practice for which a Federal cost-share is included in the contract under another program such election should be made before the producer begins work on the particular practice and the contract should be modified to show that as to such practice there will be no cost-share payment made under the Great Plains Conservation Program.

Producers will be encouraged to make maximum use of assistance available under the ACP program for practices included in the plan of operation for which no provision is made in the contract for Great Plains Conservation Program cost-sharing. This will require approval by the County ASC Committee for the ACP assistance for any such practice.

The cost-share payments earned shall be made to producer signers of the contract in proportion to their contribution to the installation of practices as set forth in their application for cost-share payment. (GP Form 4). For practices carried out with State or Federal aid see Regulation 601.19. The producer is responsible for compliance with regulatory measures as set out in Regulation 601.30.

11. Completion and Maintenance of Plan of Operations

When all land use changes have been made, cropping and grazing systems, and practices established as set forth in the schedule of land use and treatment, with any necessary amendments, the plan of operations for the program is considered to be completed. The upkeep or maintenance of any practice established under the program is the sole responsibility of the producer and Federal cost-sharing is not available for such maintenance either before or after the completion of the plan of operations.

The producer will be encouraged to continue the cropping and grazing systems and to maintain land use changes and practices for their normal life span as long as the farm or ranch is under his control. The producer will also be encouraged to continue to improve his farming or ranching operations after completion of his plans of operations under the program and to use all available sources of economic and management assistance for this purpose.

If available Conservation Operations (P.L. 46) funds and personnel will permit, the Soil Conservation Service will annually contact a producer who is a soil conservation district cooperator and has carried out

his Great Plains plan of operations and at the time of such contacts will assist him in deciding whether or not additional conservation work needs to be done. New techniques developed by research agencies or by farmers or ranchers, changes in demands for crops or livestock, or the general economic situation could singly or collectively cause the producer to want to make certain adjustments in his completed plans of operations. If technical or cost-sharing assistance is needed for such adjustments, the producers will be encouraged to use the regular operating programs of the Department of Agriculture in making them.

12. Practices Eligible for Cost-sharing

The soil and water conservation practices which are particularly suited to the Great Plains Area are eligible for cost-sharing when applied in combinations set forth in the plans of operations of farmers and ranchers. For a list of eligible practices see Regulations, SEC. 601.11.

13. Fitting Practices to Conditions within States and Counties

There shall be developed within each State a list of soil and water conservation practices which will be eligible for cost-sharing when applied in the State in combinations set forth in plans of operations. This list may include only those practices provided for in this program. There shall be developed and kept current through periodic review for each practice on the list the technical specifications for its application. There shall be determined for each practice on the list the maximum percent of cost-sharing which will be applicable within the State. This list, and cost-sharing determinations, shall be developed by the State Conservationist, SCS, and the State Chairman of ASC, after consultation with representatives of other agencies on the State Program Committee, and submitted to the Administrator, SCS, for review and recommendation of both the Soil Conservation Service and the Agricultural Conservation Program Service prior to transmittal by the Administrator, ACPS, to the Assistant Secretary for Federal-States Relations for approval.

There shall be developed within each county, from the Great Plains list for the State, a list of soil and water conservation practices which will be eligible for cost-sharing when applied in combinations set forth in plans of operations. There shall be developed and kept current for each practice on the list an average cost of applying the practice in the county or a part of a county. There shall be determined for each practice on the list a cost-share rate which will be applicable within the county. Such rates shall not be higher than the percent of cost-sharing established for the State. The list, with costs and cost-share rates, shall be developed by the designated SCS technician in the county and the Chairman of the County ASC Committee after consultation with representatives of other agencies on the County Program Committee, and approved for the county by the State Conservationist, SCS, and the Chairman of the State ASC Committee.

14. Contracts

A. Easis for Contracts .

Development of a plan of operations by the producer shall be a prerequisite to participate in the program and such a plan will serve as a basis for a cost-share contract with the producer.

The producer's plan of operations will be submitted to the Area Conservationist designated as contracting officer.

The contracting officer will examine each plan of operations and is responsible for determining that:

- (1) The plan covers all of the land owned or controlled by the producer for the period of the proposed contract and regarded as a single operating unit.
- (2) The plan meets requirements in form and content. Each item included in the schedule of land use and treatment shall be given an identification number.

- (3) The plan of operations provides for combinations of land use, cropping or grazing systems and conservation practices that will conserve the soil and water resources of the farm or ranch and will result in the maximum mitigation of the climatic hazards of the area in which the farm or ranch is located.

The contracting officer, having determined that the plan of operations is adequate for a cost-share contract, will verify on the schedule of land use and treatment the estimated cost-share for each identifiable unit of practice to be paid by the Federal Government under Public Law 1021. Estimated cost-share amounts will be totaled by conservation treatment units and for the farm or ranch as a whole.

B. Period of Contracts

Period of the contract shall be to the end of the program year that is needed to carry out and establish the conservation practices included in the plan of operations for which cost-share commitments are made. The period of the contract shall be not less than 3 years, shall not exceed 10 years, and shall be in effect during the period ending not later than December 31, 1971.

C. Execution of Contracts

Contracts will be prepared by the designated SCS technician based on the producer's plans of operations.

The Area Conservationist as contracting officer may enter into contracts with producers subject to certification of availability of funds by the Soil Conservation Service State office.

Enough copies of the contract shall be executed to enable the United States and each producer signatory to the contract to have an executed copy. In addition, the State office will furnish copies of the contract to the contracting officer, the designated SCS technician and the County ASC Committee.

Before executing a contract, the contracting officer shall examine the contract to assure that all attachments are included, that it is sufficient as to content and that all program requirements have been met.

The producer must present evidence, satisfactory to the contracting officer, of his control of the operating unit for the contract period.

Contracts will be numbered in the Soil Conservation Service State office in the established series. The executed original contract will be retained in the Soil Conservation Service State office for audit purposes and to support cost-share payments made. One executed copy will be furnished to each producer signatory to the contract.

D. Modification of Contracts

Contracts may be modified under the following circumstances:

(1) Loss or Acquisition of Land

If, during the life of the contract, a signer thereto loses control of a part of the farm or ranch either by sale or by cancellation of the lease, the contract must be modified to reflect the changes brought about by such sale or cancellation.

When the producer and the contracting officer agree at the time the contract is entered into that additional land is needed to make the farm or ranch a sound operating unit, the regulations contain a provision obligating the producer to prepare a revised plan of operations including a schedule of land-use and treatment to cover any land acquired. This will serve as a basis for modifying the contract. Any other producer will be encouraged to prepare revised plans of operations and schedule to cover additional land purchased or leased and to amend the contract so as to

provide for the conservation use and treatment of the enlarged operating unit. Upon presentation of a revised plan of operations, including the time schedule of land-use and treatment, the contracting officer may prepare a modified contract.

(2) Change in Time Schedule

When the producer and the contracting officer agree that there is need for an adjustment in the schedule of land use and treatment, the contracting officer will reschedule the practice for a future year by use of GP Form 6. Specific conditions which would justify such changes might include (1) Extreme variations in weather, (2) unavailable but needed materials and supplies, and (3) protracted illness of the farmer where a personal direction is essential to the conduct of the program. Copies will be distributed in the same manner as the original contract.

E. Violation of Contracts (See Regulations, SEC. 601.22, SEC. 601.24 and SEC. 601.25).

F. Transfer of Contract (See Regulations, SEC. 601.20).

G. Termination of Contract

(1) By Mutual Consent

Under conditions determined by the Administrator, SCS, a producer and contracting officer may agree that termination of an existing contract is in the public interest.

Each case of termination shall be considered on its own merit.

(2) For Cause

In the event it is determined that there has been a violation of the contract and that such violation is of such a nature as to warrant termination of the contract, all rights to cost-shares and grants under the contract shall be forfeited, and all such cost-shares and grants received by the producer shall be refunded.

(3) By Expiration

When all the terms and conditions of a contract have been met and the contract period has expired, the contracting officer will so notify all parties having copies of the contract.

H. Assignments

The Statutes (31 U.S.C. 203) (41 U.S.C. 15) forbid the transfer or assignment of all manner of claims against or contracts with the United States. An exception permits the assignment of moneys due or to become due from the United States under a government contract to a bank, trust company, or other financial institution, including any Federal lending agency, upon compliance with the enumerated requirements and conditions. As one example, the contract must call for payments aggregating \$1,000 or more. For a fuller explanation of the prohibitions concerning assignment of claims reference should be made to the statutory provisions.

15. Program Limitations

Cost-sharing contracts shall not be less than 3 years nor exceed 10 years and in no event shall end later than December 31, 1971.

Long-range commitments shall not exceed the total funds available and the total payment commitments for any program year shall not exceed \$25,000,000. There is no limit on the amount of cost-shares paid to individual producers under the program except as shown in GP-17 (C-14).

16. Fund Responsibilities

Funds for cost-sharing, administrative expense, and technical services will be allotted to the agencies of the Department as approved by the Secretary. Each agency to which funds are allotted will be responsible for programming, allocation within the agency, and internal management of the funds allotted to it, in accordance with established program policies.

Allocation of funds for cost-sharing to States will be made on the basis of such criteria as:

- A. Anticipated program participation.
- B. Number of counties designated in each State.
- C. The acreage of rangeland and cropland in designated counties.
- D. Type of soil.
- E. Size and number of farms and ranches.
- F. Conservation needs.

Maximum flexibility will be provided to permit shifting funds between States in order to meet the needs of the producers who become program participants.

GP Form 1
(Date) _____
Soil Conservation Service
United States Department of Agriculture

State _____
County _____
Application Identifi-
cation No. _____

APPLICATION FOR PARTICIPATION
GREAT PLAINS CONSERVATION PROGRAM
UNITED STATES DEPARTMENT OF AGRICULTURE

I (We), _____, of _____,

hereby apply for participation in the Great Plains Conservation Program.
The following statements are a part of this application.

- (1) Description of farm or ranch operating unit:
- (2) Description of how the farm or ranch operating unit is being operated and held. (For example, indicate who owns the lands or the terms, type and length of leases, and other arrangements for carrying on farming or ranching operations).
- (3) A conservation farming plan for the above farm or ranch operating unit will be work on and I (We) intend to submit it to the local Soil Conservation Service office for purposes of obtaining a Great Plains Conservation Program contract.
- (4) It is understood that signing this application does not require carrying out any conservation practices or changes in cropping systems or land uses.

(Date)

(Signature of Applicant(s))

GP Form 2
(Date)
Soil Conservation Service
United States Department of Agriculture

Contract No. _____
State _____
County _____

GREAT PLAINS CONSERVATION PROGRAM
CONTRACT
for

PRODUCER(S)
(Names and Addresses) _____

CONTRACT period from _____ to _____

Description of Operating Unit (Including acreage) _____

PART II

PRODUCER(S) CERTIFICATION AND SIGNATURE(S)

The undersigned and above-named producer(s) hereby agree(s) to the terms and conditions of this contract (Part IV hereof on the reverse side) and certifies that the producer(s) having any control of the operating unit during the entire contract period is/are shown herein.

DATE _____

Signature(s) of Producer(s)

PART III
APPROVAL

SECRETARY OF AGRICULTURE

DATE _____ By _____
Contracting Officer

I certify funds
are available
DATE _____ State Administrative Officer

PART IV - TERMS AND CONDITIONS

(To appear on the reverse of the contract form)

1. Each of the contract signers (hereinafter called "the producers") whose signature appears in Part II hereof hereby agrees to participate in the Great Plains Conservation Program (hereinafter referred to as "the program") and fully understands that his participation therein is subject not only to all of the provisions of this contract, but also to all of the provisions of the regulations issued by the Secretary governing the program. Such regulations, which are hereby made a part of this contract, are hereinafter referred to as "the Regulations."

2. The producers agree to carry out, on the operating unit, as shown in Part I above, land-use adjustments, cropping or grazing systems and conservation measures in conformity with and as shown in the attached plan of operations (which plan of operations is made a part of this contract) according to the time schedule of land-use and treatment and in accordance with the specifications obtained from the local Soil Conservation Service office or in accordance with the specifications applicable to the appropriate program.

3. One or more of the eligible conservation practices shown in the attached plan of operations may be carried out under other United States Department of Agriculture programs.

4. The producers shall maintain in accordance with good farming practice, in accordance with sound grassland management principles or in accordance with sound woodland management, as the case may be, during the entire contract period or, if lesser, for the period of the producers' control of the operating unit, conservation practices on the operating unit that are specified in the attached plan of operations. Failure to maintain the conservation practices in accordance with good farming practices, in accordance with sound grassland management principles or in accordance with sound woodland management as prescribed by the contracting officer and as determined by the Administrator, SCS, or for the appropriate program shall constitute a violation of this contract.

5. Producers who carry out conservation practices specified in the attached plan of operations shall be responsible for obtaining the authorities, rights, easements or other approvals necessary to the carrying out and maintenance of the

conservation practices in keeping with applicable laws and regulations. Producers shall save the United States harmless from any infringements upon the rights of others or from any failure to comply with applicable laws or regulations.

6. Federal cost-share payments for carrying out eligible conservation practices shown in the attached plan of operations shall be made to the producers carrying out such conservation practices at the rates established for the Great Plains State and the designated county as provided in the Regulations as specified in the attached plan of operations. Cost-share payments for identifiable units carried out on the operating unit will be made only upon application submitted on the prescribed form to the designated SCS technician or to the County ASC Committee by June 30 of the year following the calendar year in which the identifiable units were carried out. Part or all of the Federal cost-share for carrying out an eligible conservation practice may be made to those who furnish conservation materials or services to the producers for use in carrying out the eligible conservation practice when the producers obtain an authorization provided payments in this fashion shall be subject to the provisions in the Regulations governing conservation materials or services.

7. The producers agree not to adopt any practices specified in the Regulations as practices which tend to defeat the purposes of this contract. Adoption of any such practices by the producers on the operating unit while they have control thereof during the life of this contract shall constitute a violation of this contract.

8. (a) The producers agree to forfeit all rights to further cost-share payments or grants under this contract and to refund all cost-share payments or grants received hereunder, if the Secretary determines that there has been a violation of this contract during the time the producers have control of the operating unit and that such violation is of such a nature as to warrant termination of this contract. The producers will be obligated to refund all cost-share payments and all cost-shares paid under authorizations.

(b) The producers agree to make refunds of cost-share payments or grants received under this contract or to accept payment adjustments in this contract, if the Secretary determines that there has been a violation of this contract during the time the producers have control of the operating unit and that such

violation is of such a nature as not to warrant termination of this contract. The producers will be obligated to refund cost-share payments and cost-shares paid under authorizations.

(c) The determination or decision as to whether a violation has occurred and whether or not such violation is of such a nature as to warrant termination of this contract and the amount of any forfeiture, refund or payment adjustment shall be made in accordance with the Regulations.

9. Any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of any of the representations made in or in connection with or leading up to this contract and the entering into this contract or the performance of the terms and conditions of this contract shall have the right to enter the operating unit at any reasonable time in order to measure the acreage, to render technical assistance, to inspect the work undertaken under this contract and to examine any program records pertaining to the operating unit and the producers shall furnish such information relating to the operating unit as may be requested by authorized representatives of the Secretary.

10. The producers shall report promptly to the contracting officer the transfer, in whole or in part, or change in acreage of the operating unit.

11. (a) Insofar as the acreage of cropland on the operating unit enter into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the operating unit shall not be decreased during the period of this contract by reason of any action taken for the purpose of carrying out this contract.

(b) The acreage on the operating unit which is diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out this contract shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

(c) In applying the provisions of paragraph (6) of Public Law 74, 77th Congress (7 U.S.C. 1340 (6)), and Sec. 326 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1326 (b)), relating to reduction of the storage amount of wheat, the acreage on the operating unit which is diverted from the production of wheat in order to carry out this contract shall be regarded as wheat acreage on the operating unit.

GP Form 4

(Date)

Soil Conservation Service

United States Department of Agriculture

(GP Form 4 will be issued at a later date)

GP Form 5

(Date)

Soil Conservation Service

United States Department of Agriculture

ANNUAL CONTRACT STATUS REPORT
GREAT PLAINS CONSERVATION PROGRAM

Name of Producer(s) _____ Contract No. _____

County _____ State _____ Date _____

1. Progress in carrying out contract.

2. Waivers or modifications needed in contract.

Signature _____
Designated SCS Technician

(Original to State Conservationist - carbons to Work Unit files,
Area Conservationist and Producer(s)).

GP Form 6

(Date) _____

Soil Conservation Service

United States Department of Agriculture

WAIVER OR MODIFICATION OF CONTRACT
GREAT PLAINS CONSERVATION PROGRAM

Name of Producer(s) _____ Contract No. _____

Great Plains State _____ Designated County _____

The following modifications are made in the contract:

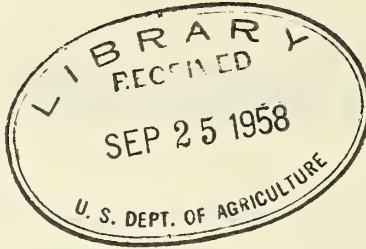
| Conserva- tion Treat- ment Unit | Field No. | Changes in Cropping or Grazing Systems or Land Use | Changes in Conserva- tion Prac- tices or Identifi- able Units | Cost- share Rate | Amount or Extent (Est.) | Est. G.P. Cost- share | Date Scheduled |
|---------------------------------------|--------------|----------------------------------------------------------------|------------------------------------------------------------------------------|------------------------|----------------------------------|--------------------------------|-------------------|
| | | | | | | | |

The following waivers are made in the contract:

| Conserva- tion Treat- ment Unit | Field No. | Changes in Cropping or Grazing Systems or Land Use | Changes in Conserva- tion Prac- tices or Identifi- able Units | Cost- share Rate | Amount or Extent (Est.) | Est. G.P. Cost- share | Date Scheduled |
|---------------------------------------|--------------|----------------------------------------------------------------|------------------------------------------------------------------------------|------------------------|----------------------------------|--------------------------------|-------------------|
| | | | | | | | |

Basis for waivers or modifications.

Changes in operating unit
due to waivers or modifications.
(Acreage and date)

Description of
affected acreage.

Approved:

Producer(s)

Date _____

SECRETARY OF AGRICULTURE

By:

Contracting Officer

Date

I certify funds are available:

State Administrative Officer

Date _____

